

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE NEWPOWER HOLDINGS, INC. CIVIL ACTION NO. 02-CV-1550 (CLB)
SECURITIES LITIGATION

~~PROPOSED~~ ORDER AUTHORIZING DONATION OF
REMAINING BALANCE IN SETTLEMENT FUND

WHEREAS, this matter having been brought before the Court by Plaintiffs' Co-Lead Counsel's Motion to Authorize Donation of Remaining Balance in Settlement Fund; and

WHEREAS, Plaintiffs' Co-Lead Counsel having filed the Affidavit of Stephen J. Cirami of The Garden City Group, Inc. ("GCG") in support of their Motion; and

WHEREAS, the Court having considered all matters submitted to it; and it appearing that all reasonable efforts were made to distribute the Settlement Fund to the Class;

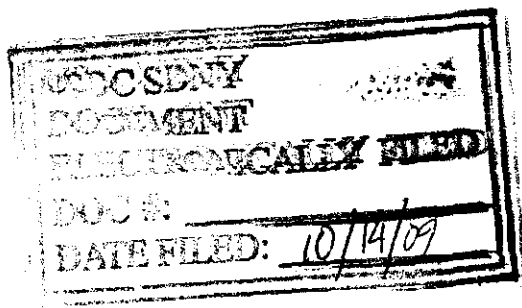
IT IS ORDERED that all claims associated with the checks issued in the distribution of the Settlement Fund that remain either uncashed or undeliverable shall be deemed invalid; and

IT IS ORDERED that the approximately \$6,682.57 remaining in the Settlement Fund shall be donated to the Red Cross, 520 West 49th Street, New York, NY 10019 (phone no. 1-877-733-2767); and

IT IS ORDERED that GCG is hereby authorized to discard/destroy all copies of Proof of Claim and Release forms with supporting documents and other correspondence, in whatever form or media they are still maintained.

Dated: Oct 9, 2009

BY THE COURT:



UNITED STATES DISTRICT JUDGE
Paul J. Gorman